

April 13, 2005

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, April 13, 2005, at 2:00 p.m. at Turner Ashby High School, 800 North Main Street, Bridgewater, Virginia. The following members were present:

PABLO CUEVAS, Election District #1  
CHARLES W. AHREND, Election District #2  
DEE E. FLOYD, Election District #3  
WILLIAM B. KYGER, JR., Election District #4  
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator  
G. CHRIS BROWN, County Attorney  
STEPHEN G. KING, Deputy County Administrator  
L. TODD GARBER, Treasurer  
L. WAYNE HARPER, Circuit Court Clerk  
RICHARD CONNELLEE, Commissioner of the Revenue  
JAMES L. ALLMENDINGER, Director of Finance  
WENDELL J. EBERLY, Director of Recreation and Facilities  
JENNIFER M. HOOVER, Director of Public Works  
KENNETH N. McNETT, Director of Court Services  
FRANKLIN P. O'BYRNE, Director of Information Systems  
STEPHEN R. RIDDLEBARGER, Director of Human Resources  
DIANA C. STULTZ, Zoning Administrator  
ROBERT A. SYMONS, Fire and Rescue Chief  
WILLIAM L. VAUGHN, Director of Community Development  
DOTTIE L. BOWEN, Deputy Clerk  
TIMMY FITZGERALD, Representing Resident Engineer  
Virginia Department of Transportation

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**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**INVOCATION.**

Chairman Cuevas called the meeting to order at 2:00 p.m.

Gabbie Kalman, Turner Ashby High School Student Council Association President, and Adam Guthrie, Student Council Association Vice President, led the Pledge of Allegiance. Supervisor Breeden gave the Invocation.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Ahrend, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the Regular Meeting held on March 23, 2005.

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**CENTRAL SHENANDOAH JUVENILE DETENTION HOME.**

The Board heard a report by Mr. Tim Smith, Executive Director, Central Shenandoah Juvenile Detention Home, concerning the activities of the Detention Home.

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**TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara's report on the activities of the Transportation Department.

Supervisor Floyd advised that, when the latest work was completed on the stop light at Port Republic Road and Route 689, the contractor did not do an adequate job in cleaning up the area. Mr. Fitzgerald said he would check into the matter.

Supervisor Floyd indicated that he was still interested in seeing the speed limit reduced on Route 704, south of Port Republic Road. Mr. Fitzgerald said his staff would look at that again.

On motion by Supervisor Floyd, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 05-10, requesting that streets in Kentshire Estates Subdivision be taken into the State Secondary System.

**RESOLUTION NO. 05-10**

WHEREAS, the street(s) described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Rockingham County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets described below meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the

following streets, a total distance of 0.29 mile to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements:

Name of Subdivision: Kentshire Estates

Name of Street: Rte 1017 (Briarwood Court) Length: 0.06 mile

From: Broadridge Drive

To: Cul de sac

Guaranteed right-of-way width: 50 feet.

Plat Recorded, Date: April 3, 2002 Deed Book: 2061 Page: 666

Name of Subdivision: Kentshire Estates

Name of Street: Rte 1018 (Kentshire Drive) Length: 0.18 mile

From: Rte 1017 (Briarwood Court)

To: Cul de sac

Guaranteed right-of-way width: 50 feet.

Plat Recorded, Date: April 3, 2002 Deed Book: 2061 Page: 666

Name of Subdivision: Kentshire Estates

Name of Street: Rte 1019 (Danbury Court) Length: 0.05

From: Rte 1018 (Kentshire Drive)

To: Cul de sac

Guaranteed right-of-way width: 50 feet.

Plat Recorded, Date: April 3, 2002 Deed Book: 2061 Page: 666

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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**INTERSTATE, PRIMARY AND URBAN TRANSPORTATION 2005  
PRIORITIZED NEEDS LIST.**

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following as the County's Interstate, Primary and Urban Transportation 2005 Prioritized Needs List to be presented at the Commonwealth Transportation Board's public hearing on the working draft of the Six-Year Plan on April 19, 2005.

***INTERSTATE, PRIMARY AND URBAN  
TRANSPORTATION***

## 2005 PRIORITIZED NEEDS LIST

*(Approved by the Rockingham County Board of Supervisors on April 13, 2005)*

### PRIORITIZED PROJECTS

1. **ROUTE 253 – PORT REPUBLIC ROAD:** THIS PROJECT WILL ENTAIL WIDENING FROM 2 LANES TO 4 LANES FROM THE EAST HARRISONBURG CITY LIMITS TO STATE ROUTE 276.

*Comment:* This project would extend the widening of Route 253, which is planned within the City limits. Growth pressures along this road have created a need for increased capacity to handle traffic. The project would improve road conditions and increase safety for the residential and business traffic that use this as a primary access from Interstate 81 and U.S. 11 to State Route 276 (*HATS Project*).

2. **ROUTE 42 TO ROUTE 11/257 BRIDGEWATER CONNECTOR:** THIS PROJECT WILL ENTAIL CONSTRUCTING A FOUR-LANE CONTROLLED ACCESS ROAD FROM ROUTE 42, JUST NORTH OF TURNER ASHBY HIGH SCHOOL, EAST TO THE MT. CRAWFORD AREA.

*Comment:* This link would provide a direct access to Interstate 81 at Exit 240. (*HATS Project*)

3. **ROUTE 33:** REQUEST CORRIDOR STUDY OF INTERSECTIONS FROM HARRISONBURG TO ELKTON.

*Comment:* The growth pressures along Route 33 have created the need to evaluate existing and potential access points including turn lanes and service roads to adjacent properties. The Harrisonburg Rockingham MPO has agreed to conduct a study of a portion of this road to the intersection with Route 276. The County has applied for a grant to extend this study to Route 602.

4. **ROUTE 340:** EXTEND WIDENING FROM 2 TO 4 LANES FROM ELKTON TOWN LIMITS TO PAGE COUNTY LIMITS.

*Comment:* The project would improve the safety of this corridor and allow for the continued growth in the Elkton and Page County area. The 2001 traffic count for the 4.19 mile section from south town limits of Elkton to Page county line was 8,000 vehicles per day.

5. **ROUTE 259:** EXTEND WIDENING FROM 2 TO 4 LANES

*Comment:* This would entail widening Route 259 to 4 lanes from 0.2 mile east of Route 1419 to Route 11. This upgrade would improve current road conditions that carry heavy truck traffic to local industries and provide 4-lane direct access to the Broadway/Timberville area from Interstate 81. The 2001 traffic count for this two-lane section of road was 6,800 vehicles per day.

6. **ROUTE 11:** EXTEND FOUR-LANES NORTH FROM ROUTE 704 TO HARRISONBURG.

*Comment:* Recommendation for the construction of a 1.3 mile four- or five-lane urban highway from Route 704 west intersection to south corporate limits of the City of Harrisonburg. In conjunction with this project, Route 704 east and west intersections with Route 11 should be realigned to improve traffic movement and signalization.

In addition, the City should be encouraged to rebuild the 0.81-mile section to connect existing four lanes to the above referenced project. This area is zoned industrial and experiencing growth, with Sysco and Cargill distribution centers, Morningstar Foods, Dutch Way Fencing, and continued commercial development along this corridor, and the future development of over 500 acres of industrially-zoned property that will utilize Route 704 to gain access to Route 11 and Interstate 81. The 2001 traffic count for this section of road was 11,000 vehicles per day. (*HATS Project*)

7. **ROUTE 11 TO ROUTE 42 DAYTON CONNECTOR:** THIS PROJECT WILL ENTAIL CONSTRUCTING A TWO OR FOUR-LANE CONTROLLED ACCESS ROAD FROM ROUTE 42, JUST NORTH OF DAYTON AND THE CARGILL COMPLEX, TO TIE INTO ROUTE 11 AT ITS INTERSECTION WITH INTERSTATE 81, EXIT 243.

*Comment:* This link would provide a direct access to the I-81 and Route 11 south interchange. *(HATS Project)*

- 8. ROUTE 11 TO ROUTE 33 WESTERN CONNECTOR:** THIS PROJECT WOULD ENTAIL CONSTRUCTING A 4-LANE LIMITED ACCESS URBAN HIGHWAY FROM THE ROUTE 11 NORTH/I-81 INTERCHANGE WESTWARD TO ROUTE 33 TO ITS INTERSECTION IN THE VICINITY OF GARBERS CHURCH ROAD.

*Comment:* The current traffic volumes along Market Street warrant the construction of an alternate route. This link would provide a direct access between Route 33 and the interstate. The limited access roadway would include intersections with Routes 753, 42, and 763. These intersections would provide interim access to the roadway but would not be for development purposes. *(HATS Project)*

**HARRISONBURG AREA TRANSPORTATION STUDY (HATS):** HATS WAS DEVELOPED THROUGH THE JOINT EFFORTS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION, THE CITY OF HARRISONBURG, THE COUNTY OF ROCKINGHAM AND THE TOWNS OF BRIDGEWATER, DAYTON, AND MT. CRAWFORD. THE PLAN RECOMMENDS TRANSPORTATION IMPROVEMENTS THROUGH 2015.

*Comment:* On January 8, 2003, the Rockingham County Board of Supervisors endorsed the revised HATS as a conceptual plan for VDOT to use in engineering transportation improvements and securing funding. As a result of the urban area designation, the Harrisonburg-Rockingham Metropolitan Planning Organization was established. Under federal law, this entity will be responsible for transportation planning and project recommendations within the designated area.

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**RESOLUTION NO. 05-11, RECOGNIZING THE MCGAHEYSVILLE VOLUNTEER FIRE COMPANY ON ITS FORTIETH ANNIVERSARY.**

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 05-11, recognizing the McGaheysville Volunteer Fire Company on its fortieth anniversary.

RESOLUTION NO. 05-11

WHEREAS, IN 1965, the McGaheysville Volunteer Fire Company was founded and organized with 25 members; and

WHEREAS, the McGaheysville Volunteer Fire Company will celebrate its fortieth anniversary as a volunteer organization this year; and

WHEREAS, during those forty years the McGaheysville Volunteer Fire Company has provided a vital service to McGaheysville, Massanutten Village, the Pineville area and a portion of Penn Laird; and

WHEREAS, during this time the McGaheysville Volunteer Fire Company members have given unselfishly of their personal time, energy and talents in order to make our community a safer place to live and work;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Rockingham, Virginia, that said Board does hereby recognize and congratulate the volunteers of the McGaheysville Volunteer Fire Company as they celebrate their fortieth anniversary as an organization and expresses its sincere appreciation for their many contributions to making Rockingham County a better, safer place to live and work; and

BE IT FURTHER RESOLVED that this Board does hereby urge the citizens of Rockingham County to continue their support of this very vital volunteer organization.

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**RESOLUTION NO. 05-12 - MELVIN MASON, DAILY NEWS RECORD.**

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 05-12.

RESOLUTION NO. 05-12

**WHEREAS**, since 2002, Mr. Melvin Mason has reported the Rockingham County news for the *Daily News Record*; and

**WHEREAS**, in his coverage of the Rockingham County Board of Supervisors meetings, Mr. Mason has done an exemplary job of reporting the Board's actions accurately and responsibly; and

**WHEREAS**, Mr. Mason's enthusiasm for his job, his good will and never-failing good humor have had a positive effect and endeared him to the members of the Board; and

**WHEREAS**, Mr. Mason has been reassigned to Page County and will no longer cover the Rockingham County Board of Supervisors proceedings;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Rockingham County Board of Supervisors does hereby express sincere gratitude to Mr. Mason for his contributions to the enrichment of the quality of life for the citizens in Rockingham County and, furthermore, wishes him well in his new job assignment.

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**COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. Paxton's staff report dated April 6, 2005, including information concerning Coors groundbreaking on April 14, 2005, for its brewery project; the Cooperative Extension service; RMH traffic study; proposed service charge for not-for-profit properties in the City of Harrisonburg; proposed aviation technology zone; work session update - scheduled for April 29, 2005, at James Madison University; motor homes tax inquiry; and Central Shenandoah Criminal Justice Training Academy.

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On motion by Supervisor Ahrend, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized an extension agent position to work in the area of sustainable agriculture research and education. If funding from other sources is reduced in the future, this matter will be brought back to the Board for consideration.

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**AUTHORIZATION TO ADVERTISE PUBLIC HEARING TO CONSIDER CREATION OF AN AVIATION TECHNOLOGY ZONE.**

Mr. Paxton reported that he, Chairman Cuevas, Supervisor Kyger, and the County Attorney met last week with airline representatives to discuss the possible creation of an aviation technology zone in the County. He noted that grants would be considered for those businesses where the primary function of the firm, at the site under consideration, would be to maintain, repair, overhaul, and complete specialized modifications to aircraft.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized staff prepare the necessary documents for the Board's consideration to create an aviation technology zone.

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CENTRAL SHENANDOAH CRIMINAL JUSTICE TRAINING ACADEMY.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following support agreement for the benefit of the Central Shenandoah Criminal Justice Training Academy.

**SUPPORT AGREEMENT  
FOR THE BENEFIT OF  
CENTRAL SHENANDOAH CRIMINAL JUSTICE TRAINING ACADEMY**

**THIS SUPPORT AGREEMENT** is made as of April \_\_, 2005, between and among the **BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA** (the "Augusta Board"), acting as the governing body of Augusta County, Virginia ("Augusta County"); the **BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA** (the "Rockingham Board"), acting as the governing body of Rockingham County, Virginia ("Rockingham County"); **CENTRAL SHENANDOAH CRIMINAL JUSTICE TRAINING ACADEMY** (the "Academy"), a criminal justice training academy created as set forth below; and **SUNTRUST BANK** (the "Bank"), as purchaser of the Bond (and the corresponding 2005 Note), as hereinafter defined.

**R E C I T A L S**

**WHEREAS**, the Academy was created under the provisions of Chapter 17, Article V, Title 15.2 of the Code of Virginia of 1950, as amended (the "Code"), by the respective governing bodies of the several localities or other public bodies located in the 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Planning Districts, each being named on the schedule attached to the Charter of the Academy, in order, among other things, to conduct criminal justice education and training for criminal justice personnel, including law enforcement officers and special police officers appointed under the Code; and

**WHEREAS**, the Academy issued its taxable promissory note to SunTrust Bank (the "Bank") on August 18, 1999, in the original principal amount of \$2,300,000 (the "1999 Note"), and, further, the Academy subsequently issued its \$3,400,000 promissory note to United States Department of Agriculture - Rural Housing Service, in order to pay the costs to construct a new facility for the Academy located in Augusta County; and

**WHEREAS**, under the terms of the 1999 Note, the Academy pays interest to the Bank at the taxable rate of 7.42% per annum, and, in addition, on August 18, 2014, the interest rate on the 1999 Note shall be re-set at the then current market rate and the remaining outstanding principal thereof (approximately \$942,300) shall be re-amortized at such revised interest rate until the 1999 Note shall be paid, in full, on July 18, 2019; and

**WHEREAS**, the Executive Committee, duly acting for and on behalf of the Board of the Academy, has determined that, in order to reduce the Academy's debt service burden, avoid interest rate risk, and maximize fiscal management

goals of the Academy, it is advisable and prudent for the Academy to undertake a fixed rate, “bank-qualified” tax-exempt refinancing of the outstanding amount of the 1999 Note; and

**WHEREAS**, by its due approval of an authorizing resolution on April 8, 2005 (the “Academy Resolution”), copies of which have been provided to Augusta County and Rockingham County, the Executive Committee approved such refinancing of the outstanding amount of the 1999 Note, including the payment of a premium to the Bank, subject expressly to the terms and conditions established in the Academy Resolution; and

**WHEREAS**, the Bank has represented to the Academy, Augusta County and Rockingham County that support and assistance by Augusta County and Rockingham County shall be required in order for the Bank to allow the Academy to accomplish such refinancing of the outstanding amount of the 1999 Note; and

**WHEREAS**, accordingly, pursuant to the Academy Resolution, the Executive Committee requested such assistance by Augusta County and Rockingham County to pledge their moral obligation support, respectively, and to consider certain appropriations from time to time, if needed, in support of the Academy’s undertaking to refinance the 1999 Note, all as described in the Academy Resolution; and

**WHEREAS**, the Academy shall also be required to obtain the assistance of an appropriate industrial development authority to issue its up to \$2,100,000 tax-exempt, “bank-qualified” revenue bond for the benefit of the Academy (the “Bond”), the proceeds of which shall be loaned to the Academy pursuant to the corresponding promissory note of the Academy made payable to such authority (the “2005 Note”), to be used by the Academy to accomplish such refinancing of the outstanding amount of the 1999 Note and pay costs in connection therewith (collectively, the “Project”); and

**WHEREAS**, the Academy has represented to Augusta County and Rockingham County that, under the Bond (including the corresponding 2005 Note), the Academy, among other things, shall (i) fully amortize the outstanding amount of indebtedness owed by the Academy to the Bank, thereby enabling the Academy to avoid future interest rate risk; and (ii) shall obtain significant debt service savings.

### **AGREEMENT**

**NOW, THEREFORE**, for and in consideration of the foregoing and of the mutual covenants herein set forth, the parties hereto agree as follows:

1. The Academy shall use its best efforts to cause an industrial development authority to issue the Bond (including the commensurate issuance by the Academy of its corresponding 2005 Note to such authority) in order to use such proceeds to pay the costs of the Project, all as described above.

2. No later than May 15 of each year, beginning May 15, 2005, if needed, the Academy shall notify the Augusta Board and the Rockingham Board of the amount (the “Annual Deficiency Amount”), if any, by which the Academy reasonably expects its revenues to be insufficient to pay (i) the debt service obligations under the Bond (including the corresponding 2005 Note), and (ii) the operation and maintenance expenses for the Academy, in full, as and when due during the fiscal year beginning the following July 1.

3. The County Administrator of Augusta County (the “Augusta Administrator”) and the County Administrator of Rockingham County (the “Rockingham Administrator”), respectively, shall each include in his budget an amount that shall equal fifty percent (50%) of such Annual Deficiency Amount for the following fiscal year as an amount to be appropriated to or on behalf of the Academy. For convenience, each such fifty percent (50%) of the Annual Deficiency Amount, respectively, shall be referenced in this Agreement as the “Augusta Support Amount” and the “Rockingham Support Amount”, respectively. The Augusta Administrator and the Rockingham Administrator, respectively, shall each deliver to the Academy and the Bank within ten days after the adoption of the budget for each fiscal year, but no later than July 15 of each year, a certificate stating whether the Augusta Board and the Rockingham Board, respectively, have appropriated to or on behalf of the Academy an amount equal to the Augusta Support Amount and the Rockingham Support Amount, respectively.

4. If at any time the revenues of the Academy shall be insufficient to make any of the payments referred to in paragraph 2 hereof, the Academy shall notify both the Augusta Administrator and the Rockingham Administrator of the aggregate amount of such insufficiency, and, commensurately, the Augusta Support Amount and the Rockingham Support Amount, respectively. Upon such notification by the Academy, the Augusta Administrator and the Rockingham Administrator shall each then request a supplemental appropriation in the amount of the Augusta Support Amount and the Rockingham Support Amount, respectively.

5. Such respective requests for appropriations pursuant to paragraph 4 above shall be considered at the next regularly scheduled meetings of the Augusta Board and the Rockingham Board, respectively, at which it is possible to satisfy any applicable notification requirements. Promptly after such meetings, the Bank shall be notified whether the Augusta Support Amount and the Rockingham Support Amount, respectively, as requested, were appropriated. If not, in either or both cases, such amount(s) shall be reported by the applicable county administrator(s) for the next fiscal year of such locality (or localities, as the case may be).

6. The Augusta Board and the Rockingham Board, respectively, hereby undertake a non-binding obligation to appropriate such amounts as may be requested by the Academy from time to time pursuant to, and as expressly limited in, paragraphs 3 and 4 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. While recognizing that no authority exists for the Augusta Board and the Rockingham Board, respectively, to make any binding commitments to make such appropriations in future fiscal years, the Augusta Board and the Rockingham Board, respectively, hereby state their good faith intentions to make

such appropriations in future fiscal years, and hereby recommend, respectively, that future boards of supervisors do likewise.

7. Nothing herein contained is or shall be deemed to be a lending of the credit of Augusta County or Rockingham County to the Academy, the Bank or to any holder of the Bond (including the corresponding 2005 Note), or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit for the taxing power of Augusta County or Rockingham County, nor shall anything herein contained legally bind or obligate the Augusta Board or the Rockingham Board to appropriate funds for the purposes described herein.

8. Any notices or requests required to be given hereunder shall be deemed given if sent by first class mail, postage prepaid, addressed (i) if to Augusta County, to Augusta County Government Center, P.O. Box 590, Verona, Virginia 24482, Attention: County Administrator; (ii) if to Rockingham County, to Rockingham County, Rockingham County Administration Center, 20 East Gay Street, Harrisonburg, Virginia 22802, Attention: County Administrator; (iii) if to the Academy, to Central Shenandoah Criminal Justice Training Academy, P.O. Box 88, Weyers Cave, Virginia 24486, Attention: Executive Director; and (iv) if to the Bank, to SunTrust Bank – Lynchburg, 1010 Main Street, P.O. Box 201, Lynchburg, Virginia 24505, Attention: Senior Vice-President. Any party may designate any other address for notices or requests by giving notice.

9. It is the intent of the parties hereto that this Agreement shall be governed by the laws of the Commonwealth of Virginia. For the convenience of the parties, this Agreement may be signed in several counterparts, each of which shall be an original, and all of which together shall constitute but one and the same instrument.

10. This Agreement shall remain in full force and effect until the Bond (including the corresponding 2005 Note) and all other amounts payable by the Academy to the Bank, if any, under the Academy Resolution and various other documentation in connection therewith have been paid in full.

*[Signature page follows.]*

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed in their respective names as of the date first above written.

**BOARD OF SUPERVISORS OF AUGUSTA  
COUNTY, VIRGINIA**

[Seal]

By: \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Clerk of Board of Supervisors  
of Augusta County, Virginia

**BOARD OF SUPERVISORS OF  
ROCKINGHAM COUNTY, VIRGINIA**

[Seal]

By: \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Clerk of Board of Supervisors  
of Rockingham County, Virginia

**CENTRAL SHENANDOAH CRIMINAL  
JUSTICE TRAINING ACADEMY**

By: \_\_\_\_\_

Its: \_\_\_\_\_

**SUNTRUST BANK**

By: \_\_\_\_\_

Its: \_\_\_\_\_

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**COUNTY ATTORNEY'S STAFF REPORT.**

The Board received and reviewed Mr. Brown's staff report dated April 8, 2005 including information concerning Lakewood Sewer project, RS-1 subdivisions and proposed service charge for not-for-profit properties in the City of Harrisonburg.

On motion by Supervisor Ahrend, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized advertising a public hearing on an amendment to Chapter 16, Subdivision Ordinance, so that RS-1 districts are brought back under the 16-9 subdivision exemption rules and are treated as A-2 districts with division rights.

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**DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. King's staff report dated April 8, 2005, including information concerning progress on the Technological and Industrial Park (TIP), noting that the contractor expects to meet the current completion dates, barring any major stretches of poor weather.

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**FINANCE DIRECTOR'S STAFF REPORT.**

Mr. Allmendinger did not have a written report.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board approved the following supplemental appropriation in the amount of \$24,987, as requested by the Registrar, for the dual Primary on June 14, 2005. The expenses will not be reimbursed by the State and will be provided from the General Fund Reserve.

\$21,062	001-01301-000-3902-000	(Election Officers)
2,150	001-01301-000-3500-000	(Printing and Binding)
75	001-01301-000-5402-000	(Rent & Lease of Building)
1,600	001-01301-000-3109-000	(Memory Cards)
100	001-01301-000-3600-000	(Advertising)

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**PUBLIC WORKS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Ms. Hoover's staff report dated April 7, 2005, including information concerning Countryside water system; Penn Laird Drive and Water Tower Road sewer; Lakewood/Massanetta Springs pump station, Spotswood High School water tank and waterline extension, Water/Sewer Specifications, McGaheysville WWTP, Grottoes Container Site (now open), City of Harrisonburg Waste-to-Energy Plant, Phase III expansion of the landfill, Grassy Creek Tank, and water connections historical trends.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Public Works Committee, the Board approved the purchase of new teeth (cleats) for the Bomag and Cat compactors at the landfill; moving the cost of this purchase, \$67,000 from

the FY2005-06 Budget to FY2004-05 Solid Waste Budget; and appropriating this amount from the Fund Reserve.

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**COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Vaughn's staff report dated April 8, 2005, including information concerning the Planning Commission activities, annual Comprehensive Plan review, priority projects, tabled requests, and upcoming requests.

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**INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. O'Byrne's staff report dated April 7, 2005, including information concerning projects and equipment.

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**FIRE & RESCUE DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Chief Symons' staff report dated April 1, 2005, including information concerning training, meetings, prevention activities, and public education. He advised that Virginia law requires that the County readopt, by resolution, the County's Emergency Operations Plan (EOP) every five years. He noted that staff was in the process of updating the EOP due to several new federal and state requirements, but the County needed to demonstrate that it has a current adopted plan.

On motion by Supervisor Kyger seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 05-13, readopting the County Emergency Operations Plan.

A RESOLUTION ADOPTING  
THE COUNTY OF ROCKINGHAM  
EMERGENCY OPERATIONS PLAN

WHEREAS, the possibility exists for dangers of many types including man-made disasters, natural disasters, and possible hostile actions of an unknown enemy; and

WHEREAS, the safety and protection of the citizens and property is of foremost concern to the Board of Supervisors of the County of Rockingham; and

WHEREAS, the Board of Supervisors desire and the Commonwealth of Virginia statutes require the adoption of appropriate planned protective measures;

NOW, THEREFORE, BE IT RESOLVED by the Rockingham County Board of Supervisors this 13<sup>th</sup> day of April, 2005, that the County of Rockingham Emergency Operations Plan be and it is hereby adopted as the basic plan for County emergency services.

BE IT FURTHER RESOLVED that those County officials charged with planning and operational responsibility in the Emergency Operations Plan become knowledgeable of such responsibilities and be prepared to execute their respective responsibilities upon notification of implementation of the plan.

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**RECREATION & FACILITIES DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Eberly's staff report dated April 7, 2005, including information concerning Facilities and Recreation activities.

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**COMMITTEE REPORTS.**

The Board heard Committee Reports by Board members and staff.

Supervisor Kyger advised that the Virginia Association of Counties (VACo) committee meetings will be held in Richmond on May 6, 2005.

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**RECESS FOR SPECIAL MEETING OF COUNTRYSIDE SANITARY DISTRICT.**

At 3:50 p.m., Chairman Cuevas declared the meeting recessed for a special meeting of the Countryside Sanitary District.

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**CLOSED MEETING.**

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by the following vote: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 3:55 to 4:25 p.m. for a closed meeting pursuant to Section 2.2-3711(A) regarding three matters pertaining to the acquisition of real estate for a public purpose.

At 4:25 p.m., Chairman Cuevas called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR AHREND      RESOLUTION NO: X05-02  
SECOND: SUPERVISOR KYGER      MEETING DATE: APRIL 13, 2005

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:  
AYES:            AHREND, BREEDEN, CUEVAS, FLOYD, KYGER  
NAYS:            NONE  
ABSENT:        NONE

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**RECESS FOR DINNER.**

At 4:26, Chairman Cuevas declared the meeting recessed for dinner.

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**PUBLIC HEARING – PROPOSED BUDGET FOR FISCAL YEAR  
COMMENCING JULY 1, 2005 AND PROPOSED TAX RATES FOR THE  
CALENDAR YEAR 2005 AND FISCAL YEAR 2005-06 AND AMENDMENT  
TO ADOPTED BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2005.**

At 7:00 p.m., Chairman Cuevas declared the meeting open for a Public Hearing, pursuant to Section 15.2-2506, Code of Virginia, 1950, as amended, on the following proposed Budget for the Fiscal Year commencing July 1, 2005, proposed Property Tax Rates for the Calendar year 2005, amendment to Adopted Budget for Fiscal Year ending June 30, 2005.

**COUNTY OF ROCKINGHAM, VIRGINIA  
PROPOSED BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2005,  
AMENDMENT TO ADOPTED BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2005,  
AND PROPOSED TAX RATES FOR THE CALENDAR YEAR 2005**

The proposed budget synopsis is prepared and published for public information and fiscal planning purposes only. The inclusion in this budget of any item or items does not constitute an obligation or commitment on the part of the Board of Supervisors of this County to appropriate any funds for that item or purpose. The budget consists of the estimates and requests of the officers and department heads submitted to the County Administrator, and the Board of Supervisors' proposed level of funding of those requests.

The amendment to the fiscal year 2004 - 2005 budget is to provide funding (\$700,000) for water system improvements in the Route 11 South corridor.

A copy of the proposed budget may be inspected by the public in the County Administrator's Office, County Administration Center, 20 East Gay Street, Harrisonburg, and in each of the County's branch libraries.

**EXPENDITURES**

	<b>BUDGETED FY 04-05</b>	<b>AMENDMENTS FY 04-05</b>	<b>AMENDED FY 04-05</b>	<b>PROPOSED FY 05-06</b>
<u>GENERAL FUND</u>				
	\$		\$	\$
General Government Administration	4,553,940	\$ -	4,553,940	4,867,430
Judicial Administration	2,968,761	0	2,968,761	2,771,000
Public Safety	14,628,259	0	14,628,259	14,928,112
Public Works	1,379,541	0	1,379,541	1,423,609
Human Services	1,191,724	0	1,191,724	1,319,185
Parks, Recreation & Cultural	1,685,446	0	1,685,446	1,918,460
Community Development	2,317,691	0	2,317,691	2,161,378
Contributions	484,900	0	484,900	507,235
Contingency	354,297	0	354,297	500,000
Other Expenses	81,000	0	81,000	65,000
Transfers to Other Funds	41,058,835	700,000	41,758,835	49,825,669
Debt Service - County	572,231	0	572,231	571,369
Debt Service - Schools	<u>4,976,309</u>	<u>0</u>	<u>4,976,309</u>	<u>4,888,277</u>
	\$		\$	\$
TOTAL - GENERAL FUND	<b>76,252,934</b>	<b>\$ 700,000</b>	<b>76,952,934</b>	<b>85,746,724</b>
	\$		\$	\$
Capital Projects Fund	7,980,436	\$0	7,980,436	7,705,125
School Capital Projects Fund	11,000,000	0	11,000,000	7,800,000
School Fund	87,983,263	0	87,983,263	92,833,641
School Cafeteria Fund	3,828,100	0	3,828,100	3,978,025
School Textbook Fund	896,433	0	896,433	685,373
Massanutten Technical Center Fund	4,487,330	0	4,487,330	4,461,338
E911 Communications Fund	5,535,476	0	5,535,476	8,398,090
Asset Forfeiture Fund	80,000	0	80,000	80,000
Harrisonburg-Rockingham Soc Serv Dist	15,248,118	0	15,248,118	17,106,065
Central Stores Fund	28,000	0	28,000	35,000
Utilities Fund	6,379,880	700,000	7,079,880	3,637,850
Lilly Subdivision Sanitary District	24,065	0	24,065	27,830
Smith Creek Water & Wastewater Auth	814,150	0	814,150	258,105
Countryside Sanitary District	239,710	0	239,710	125,925
Penn Laird Sewer Authority	0	0	0	1,043,800

Solid Waste Fund	4,555,039	0	4,555,039	3,545,773
Human Resources Rental Fund	<u>233,672</u>	<u>0</u>	<u>233,672</u>	<u>233,672</u>
	\$			
TOTAL EXPENDITURES	<u>225,566,606</u>	<u>\$1,400,000</u>	<u>\$226,966,606</u>	<u>\$237,702,336</u>

REVENUES

	BUDGETED FY 04-05	AMENDMENTS FY 04-05	AMENDED FY 04-05	PROPOSED FY 05-06
<u>GENERAL FUND</u>				
	\$		\$	\$
General Property Taxes	43,675,000	\$0	43,675,000	46,165,000
Other Local Taxes	7,068,000	0	7,068,000	7,594,000
Other Local Revenue	5,780,426	0	5,780,426	5,962,810
State Revenue	13,972,017	0	13,972,017	14,500,823
Federal Revenue	1,217,713	0	1,217,713	979,623
Balance Carried Forward	<u>4,539,778</u>	<u>700,000</u>	<u>5,239,778</u>	<u>10,544,468</u>
	\$		\$	\$
TOTAL GENERAL FUND	<u>76,252,934</u>	<u>\$ 700,000</u>	<u>76,952,934</u>	<u>85,746,724</u>

	\$		\$	\$
Capital Projects Fund	7,980,436	\$0	7,980,436	7,705,125
School Capital Projects Fund	11,000,000	0	11,000,000	7,800,000
School Fund	87,983,263	0	87,983,263	92,833,641
School Cafeteria Fund	3,828,100	0	3,828,100	3,978,025
School Textbook Fund	896,433	0	896,433	685,373
Massanutten Technical Center	4,487,330	0	4,487,330	4,461,338
E911 Communications Fund	5,535,476	0	5,535,476	8,398,090
Asset Forfeiture Fund	80,000	0	80,000	80,000
Harrisonburg-Rockingham Soc Serv Dist	15,248,118	0	15,248,118	17,106,065
Central Stores Fund	28,000	0	28,000	35,000
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Lilly Subdivision Sanitary District	24,065	0	24,065	27,830
Smith Creek Water & Wastewater Auth	814,150	0	814,150	258,105
Countryside Sanitary District	239,710	0	239,710	125,925
Penn Laird Sewer Authority	0	0	0	1,043,800
Solid Waste Fund	4,555,039	0	4,555,039	3,545,773
Human Resources Rental Fund	<u>233,672</u>	<u>0</u>	<u>233,672</u>	<u>233,672</u>
	\$			
TOTAL REVENUES	<u>225,566,606</u>	<u>\$1,400,000</u>	<u>\$226,966,606</u>	<u>\$237,702,336</u>

PROPOSED TAX RATES

<u>Classification of Tax</u>	<u>Actual 2004</u>	<u>Proposed 2005</u>
Real Estate	\$0.71	\$0.71
Personal Property	2.80	2.80
Recreational Vehicles	2.80	2.80
Machinery & Tools	2.55	2.55
Merchants Capital	0.87	0.87
Farm Machinery	0.44	0.44
Manufactured Home	0.71	0.71

All property tax levies are per one hundred dollars of assessed value at fair market rate, except merchants capital which is based on 67% of fair market value. Property tax levies are effective January 1.		
	<u>Actual FY 04-05</u>	<u>Proposed FY 05-06</u>
E-911 Telephone	\$1.50	\$3.00

E-911 tax is levied per subscriber line. This rate change was approved by the Board of Supervisors on January 26, 2005 to be effective July 1, 2005.

The Board of Supervisors will meet on Wednesday, April 27, 2005 at the Rockingham County Administration Center to consider adopting the FY 2005-06 Budget, and to fix property tax rates for the calendar year 2005, and the E-911 tax for the fiscal year beginning July 1, 2005.

Administrator Paxton reviewed the various aspects of the proposed budget.

Carmel Murphy Norris, Valley Program for Aging Services (VPAS) expressed appreciation to the County for its past support for VPAS and requested approval of its budget request.

Allison Dugan, Harrisonburg-Rockingham Convention and Visitors Bureau, (HRCVB) expressed appreciation to the County for its past support for HRCVB and requested approval of its budget request.

Fred Eberly expressed appreciation for the County's support of the public schools.

Richard McGregor asked that the County lower the personal property tax rate on recreational vehicles and motor homes and stated that 90 percent of the time they are not in use by the owners.

At 7:45 p.m., Chairman Cuevas closed the public hearing and called the regular meeting back to order. He advised that the budget amendment, budget and tax rates would be scheduled for adoption at the next meeting.

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**RZ05-3, REQUEST OF CENTRAL VALLEY HABITAT FOR HUMANITY, C/O CLAIRE MARTINDALE.**

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table RZ05-3, request of Central Valley Habitat for Humanity, c/o Claire Martindale, P O Box 245, Bridgewater, to rezone 1.03 acres from A2 (General Agricultural) to R2 (Medium Density Residential) on tax parcels 108 (A) 118 and 108 (A) 119. The site is located on the southeast side of Garbers Church Road (Route 910), approximately 300 feet north of Grace Chapel Road (Route 853) in Election District #4. The Comprehensive Plan designates this area as Commercial. R2 allows 3.6 single family detached units or 7.26 two-unit attached dwellings per acre. (This request was tabled by the Board on February 23, 2005.)

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved RZ05-3, request of Central Valley Habitat for Humanity, c/o Claire Martindale.

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**ADJOURNMENT .**

By consensus, the Board adjourned the meeting at 8:00 p.m.

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Chairman